

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Brook Road, 400' W of the
c/l of Stevenson Lane
(403 Brook Road)
9th Election District
4th Councilmanic District

Edwin R. Hoke, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-451-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance for that property known as 403 Brook Road, located in the vicinity of Hillen Road in Towson. The Petition was filed by the owners of the property, Edwin R. and Cynthia M. Hoke. The Petitioners seek relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 feet for a proposed garage/storage addition, and 9 feet for a proposed family room, in lieu of the minimum required 10 feet each, and a front average setback from the centerline of the road of 54 feet in lieu of the required 57 feet, for the proposed garage/storage addition, and proposed open porch. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community

ORDER RECEIVED FOR FILING

Date

By

5/28/97
[Signature]


and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of May, 1997 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 feet for a proposed garage/storage addition, and 9 feet for a proposed family room, in lieu of the *minimum* required 10 feet each, and a front average setback from the centerline of the road of 54 feet in lieu of the required 57 feet, for the proposed garage/storage addition, and proposed open porch, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROZO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/20/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

Mr. & Mrs. Edwin R. Hoke
403 Brook Road
Towson, Maryland 21286

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Brook Road, 400' W of the c/l of Stevenson Lane
(403 Brook Road)
9th Election District - 4th Councilmanic District
Edwin R. Hoke, et ux - Petitioners
Case No. 97-451-A

Dear Mr. & Mrs. Hoke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File





Petition for Administrative Variance

97-451-A

to the Zoning Commissioner of Baltimore County

for the property located at

403 Brook Road, Towson, MD 21286

which is presently zoned

D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 & 303.1

To allow a side yard setback of 6 ft. for a proposed garage & storage & a side yard setback of 9 ft. for a proposed family room in lieu of the min. required setback of 10 ft. respectively & to allow a front average setback of 54 ft. from the centerline of the road in lieu of the required 57 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Garage; 1. vehicle protection from street traffic, tree debris, street cleaning operations and nature 2. additional storage area in lieu of building a shed to relieve hardship of rented and relative storage and to store lawn furniture, ground keeping equipment, weight training equipment and boat accessories. **Family Room;** House orientation on property is not parallel with property line thus the back corner will encroach on the 10' requirement by $\leq 1'$. **Both full foundations** used to control drainage from neighbor's run-off and protect the main house from water damage. **Trellis with solid roof:** to protect side entrance during inclement weather

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

Legal Owner(s):

(Type or Print Name)

Edwin R. Hoke

(Type or Print Name)

Signature

Signature

Address

Cynthia M. Hoke

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner:

(Type or Print Name)

403 Brook Road

H-337-7316

Address

Phone No.

Towson,

MD

21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Signature

Address

Phone No.

Name

City

State

Zipcode

Address

Phone No.

Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JRF

DATE 4/16/97

ESTIMATED POSTING DATE

4/27/97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 451

ORDER RECEIVED FOR FILING
5/20/97
JRF

Affidavit in support of 97-451-A Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 403 Brook Road

address

Towson,

MD

21286

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Request variance for garage to encroach on 10' requirement by 4'. Garage has three main uses; 1. vehicle protection from; A- street traffic, one vehicle has been hit twice while parked on the street. B- tree across the street branches over the street and debris falls on our vehicles. C- street cleaning operations during winter throw, salt over our vehicles thus damaging the finished surface. D- stop natural damage while vehicle not in use. 2. additional space due to small basement; A- to relieve hardship of monthly storage bill. B- to relieve hardship to relatives in assisting with storage problem. C- additional space requirement is in lieu of building a shed which will actually cause the loss of more usable property and cost more to build and store lawn furniture, ground keeping equipment and boat accessories. 3. full foundation used as drainage control to keep neighbor's runoff away from main house foundation thus reducing future water damage. Family Room: request variance because house orientation on property is not parallel with property line thus the back corner will encroach on the 10' requirement by $\geq 1'$. This full foundation will also be used as drainage control to direct neighbor's runoff away from main house. Trellis with solid roof: request variance to encroach on 10' requirement by 4' to build trellis on main house side entrance for protection during inclement weather.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Edwin R. Hoke
(signature)

Edwin R. Hoke

(type or print name)



Cynthia M. Hoke
(signature)

Cynthia M. Hoke

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of April, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edwin R. Hoke and Cynthia M. Hoke

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

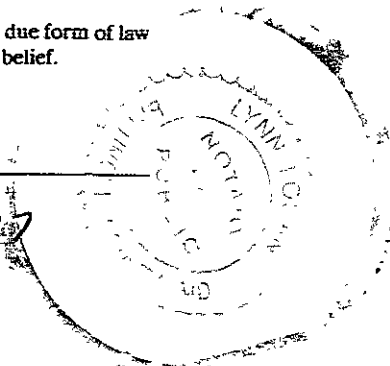
2 April 1997

date

Lynn Lohan
NOTARY PUBLIC

My Commission Expires:

6/28/97



ORDER RECEIVED FOR FILING
2/28/97
[Signature]

Zoning Description

97-451-A

Zoning Description for 403 Brook Road, Towson, MD 21286.

Beginning for the property of 403 Brook Road, containing + - .20 acre in the 9th Election District, 4th Councilmanic District, is on the southerly side of Brook Road at a point distant North 83 degrees 24 minutes West 400 feet from the corner formed by the intersection of the south side of Brook Road and westerly side of Stevenson Lane as shown on the Plat of Greenbrier as recorded formerly as Deed Liber 3363, Folio 221, now recorded as Deed Liber 10995, Folio 226; running thence along the southerly side of Brook Road northwesterly by a curve bearing to the right with a radius of 1334.60 feet for a distance of 55 feet; thence South 19 degrees 08 minutes West 139.82 feet, thence South 83 degrees 24 minutes East 70 feet, thence North 13 degrees 9 minutes 40 seconds East 132.11 feet to the place of the beginning known as 403 Brook Road.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 035967

PAID RECEIPT

04/16/97 02 6 011 R 7792
Dept 5 513 ZIRING VERIFICATION
CR NO. 035967
\$50.00 OK P-4-I-D
Baltimore County Maryland
Office Of Budget & Finance

DATE 4-16-97 ACCOUNT R-001-615-000

AMOUNT \$ 50.00

RECEIVED FROM: Edwin Hoke

FOR: 01 -- Variance ITEM # 451
403 Brook Rd. Taken by: JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 97-451-A

Petitioner/Developer:
(Edward Hoke)
Date of ~~Posting~~/Closing:
(May 12, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

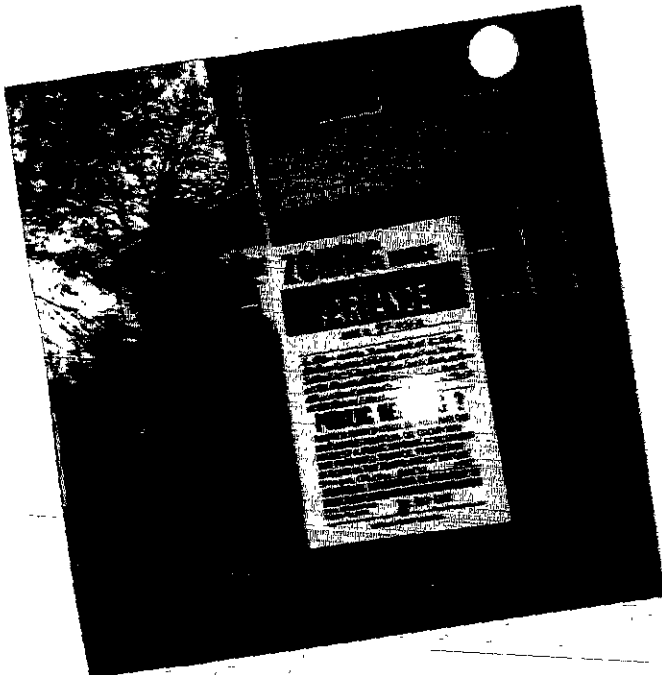
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

_____ 403 Brook Road , Baltimore, Maryland 21286 _____

The sign(s) were posted on _____ April 25, 1997 _____
(Month, Day, Year)



Sincerely,


(Signature of Sign-Poster & Date)

_____ Thomas P. Ogle, Sr. _____
(Printed Name)

_____ 325 Nicholson Road _____
(Address)

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)

97-451-A

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than *4-27-97

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE**ADMINISTRATIVE
VARIANCE****Case No.:** 97-451-A

To allow a side yard setback of 6' for a proposed garage
& storage, and a side yard setback of 9' for a proposed
family room in lieu of the minimum required 10' respectively.
And to allow a front average setback of 54' from the 4
of the road in lieu of the required 57'.

PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

*** MAY 12, 1997**

**ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391**

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 451

Petitioner: Edwin R. & Cynthia M. Hoke

Location: 403 Brook Road, Towson, MD 21286

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Edwin R. Hoke

ADDRESS: 403 Brook Road

Towson, MD 21286

PHONE NUMBER: 337-7316

AJ:ggs

(Revised 04/09/93)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 25, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-451-A

403 Brook Road

S/S Brook Road, 400' W of c/l Stevenson Lane

9th Election District - 4th Councilmanic

Legal Owner(s): Edwin R. Hoke and Cynthia M. Hoke

Post by Date: 04/27/97

Closing Date: 05/12/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Edwin and Cynthia Hoke



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: May 5, 1997

FROM: *File* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 5, 1997
 Item Nos. 443, 444, 445, 446, 447, 448, 451, 455, 457, 458, 459
 and 460

 The Development Plans Review Division has reviewed the subject
zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE505.NOC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Apr. 28, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

443

451

457

458

445

452

459

448

454

460

449

455

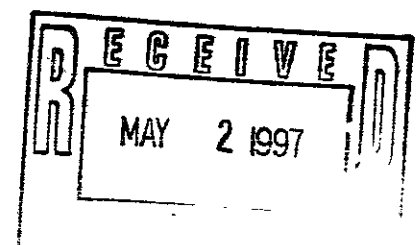
461

450

456

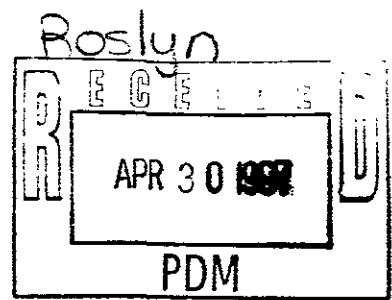
RBS:sp

BRUCE2/DEPRM/TXTSBP



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: April 25, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

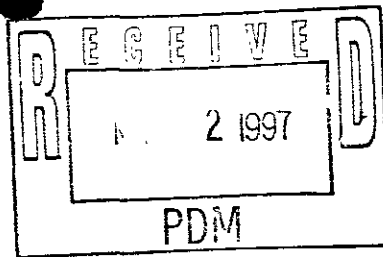
Item Nos. 447, 451, 455, 457, 459, 460, and 461

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at 887-3495

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Keller

AFK/JL



April 28, 1997

Arnold Jackson, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
P41L STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 28, 1997

Item No.: SEE BELOW

Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 457, 458,
459, 460, and 461

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4.25.97
Item No. 451 JRF

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILIENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 --In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A	59.6	ft.
B	60.4	ft.
C	60.9	ft.
D	N/A	ft.
E	60.3	ft.
F	48.5	ft.

$$\text{TOTAL } (289.70) \div (5) = 57.94$$

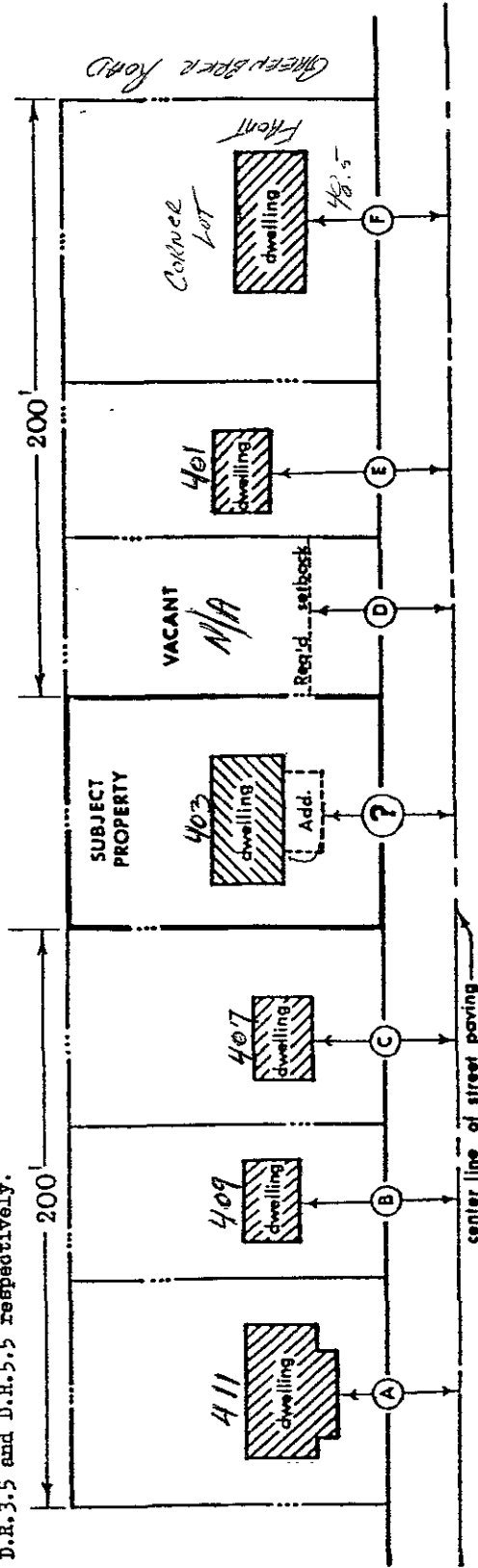
of dwellings

REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.
D.R.3.5- 55 ft.
D.R.5.5- 50 ft.

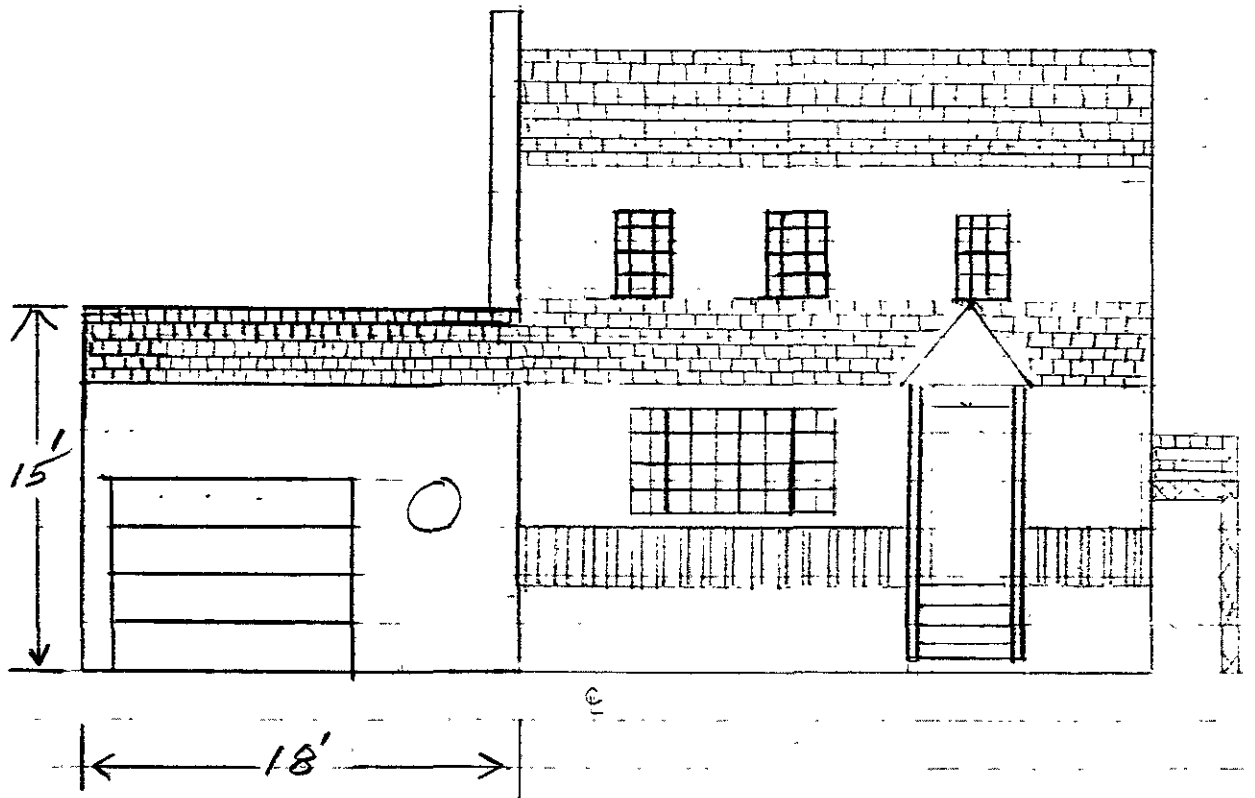
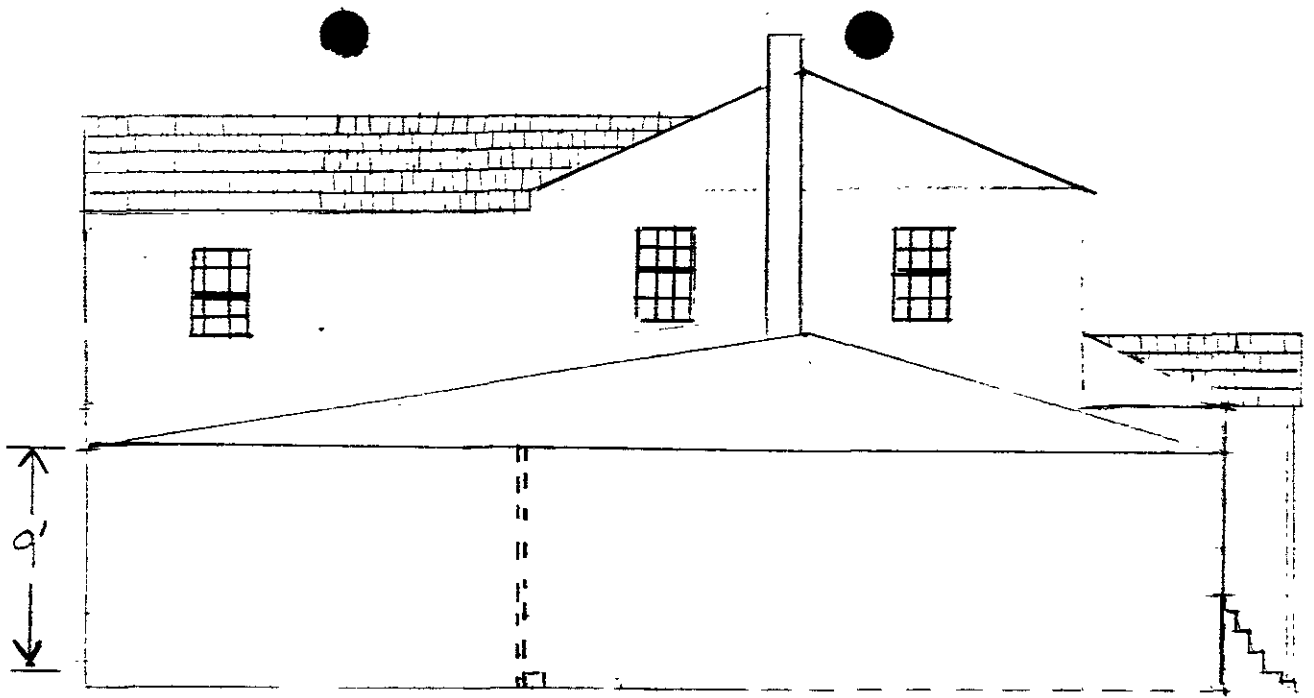
applicant's name Edwin S. & Cynthia M. Hoff
building address 403 Brook Road, Towson MD 21286
date 15 April 97



Brook Road

451

97-451-A



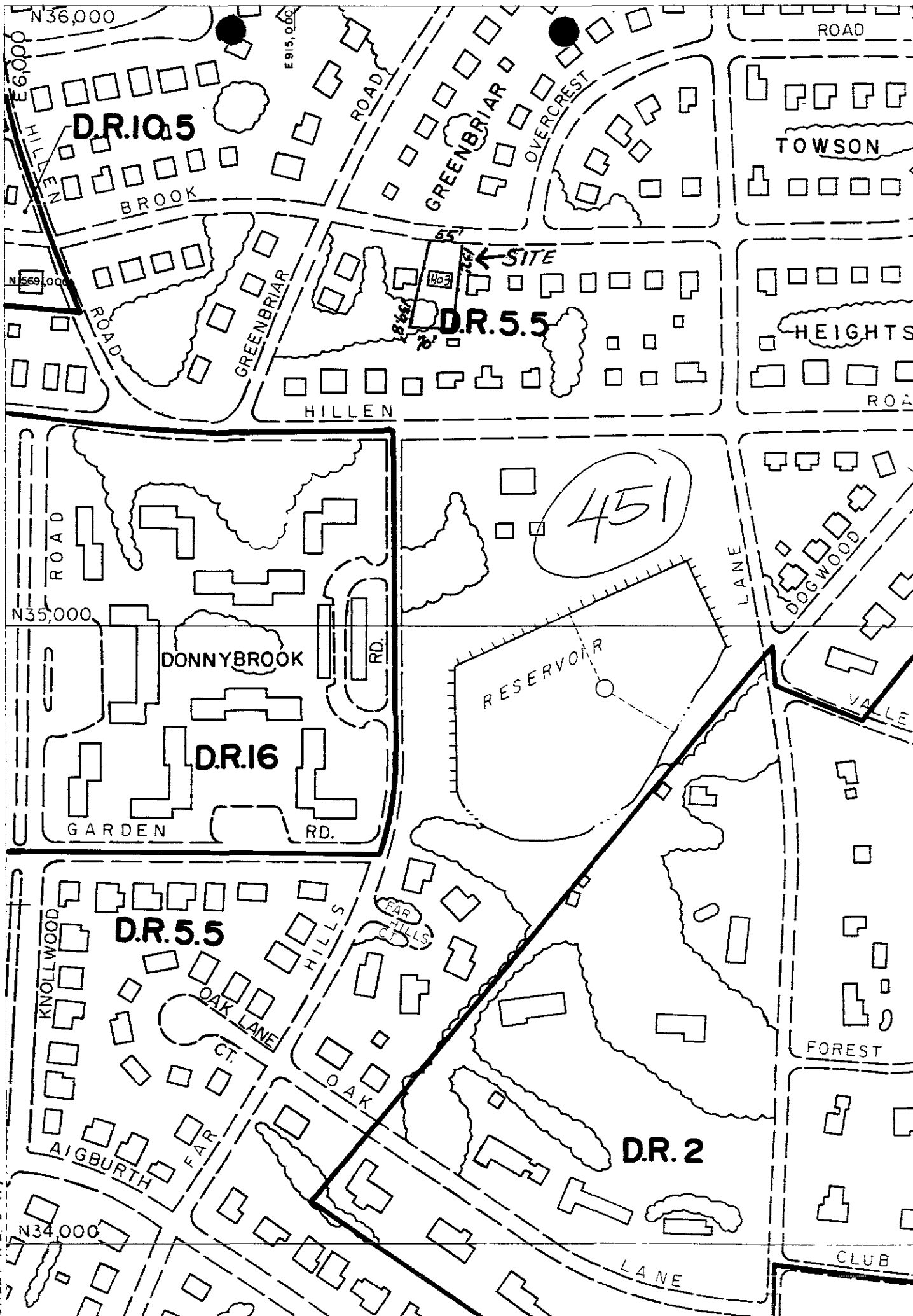
451

97-451-A

97-451-A

NE D-B
1" = 200'

SHEET NE-9-A)



97-451-A



97-451-A

403 Brook Road water run off and side view set back. Front looking back for Proposed Garage.

2 of 10



451

97-451-A

403 Brook Road looking from right to left. Back yard view for Proposed Family Room. 3 of 9



403 Brook Road back view looking forward (left handside of front view) for Proposed Garage and Family Room.



451

97-451-A

403 Brook Road back yard view looking from right handside to front left handside for Proposed Family Room

4 of 9



403 Brook Road front view, right side, set back for Proposed Open Porch and Trellis.



451

97-451-A

403 Brook Road back view, looking forward on right handside front view for Proposed Open
Porch and Trellis.

5 of 9



97-451-A

Other dwellings with less than 10' side yard set back in the Greenbrier Community.

6 of 9



451

97.451-A

Other dwellings with less than 10' side yard set back in the Greenbrier Community.

7 of 9



451

97.451.A

Other dwellings with less than 10' side yard set back in the Greenbrier Community.

8 of 9



451

97.451-A

Other dwellings with less than 10' side yard set back in the Greenbrier Community.

9 of 9





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	SHEET
1" = 200' ±		WILTONDALE TOWSON HEIGHTS LOCH RAVEN VILLAGE	NE. 9-B
DATE OF PHOTOGRAPHY JANUARY 1986			

9151
9151A

